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### Planning Commission Study Session

TO: PLANNING COMMISSION

FROM: AMY TEMES, SENIOR PLANNER

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THROUGH: CATHERINE LORBEER AICP, PRINCIPAL PLANNER

(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

**MEETING DATE: DECEMBER 3, 2014** 

SUBJECT: Z14-25, COOLEY STATION PARCELS 9 AND 11: REQUEST TO

REZONE APPROXIMATELY 97.00 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF

RECKER ROAD AND SOMERTON BOULEVARD FROM 97.00 ACRES

OF SINGLE FAMILY DETACHED ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY TO 17.42 ACRES OF SINGLE FAMILY ATTACHED (SF-A) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY AND 80.90 ACRES OF SINGLE FAMILY DETACHED (SF-D) ZONING DISTRICT WITH A

PLANNED AREA DEVELOPMENT OVERLAY.

**STRATEGIC INITIATIVE:** Community Livability

#### RECOMMENDED MOTION

NO MOTION REQUESTED

#### **APPLICANT/OWNER**

Company: Burch & Cracchiolo, P.A. Company: Cooley Black Canyon LLC, et al.

Name: Brennan Ray Name: Norm Nicholls
Address: 702 E. Osborn Rd, #100 Address: 9140 S. Kyrene Rd

Phoenix, AZ 85014 Tempe, AZ 85284

Phone: 602-234-8794 Phone: 480-753-6789

Email: bray@bcattorneys.com Email: nnicholls@fultonhomes.com

#### **BACKGROUND/DISCUSSION**

#### History

Date	Description
December 19, 2006	Town Council adopted Annexation No. A05-03, Ordinance No. 1878.
March 6, 2007	The Town Council adopted Ordinance No. 1900 in case Z06-74 to rezone approximately 302 acres for the Cooley Station PAD.
June 24, 2008	The Town Council adopted Ordinance No. 2179 in case Z07-117 approving an amendment to approximately 300 acres in the Cooley Station PAD to revise several conditions of Ordinance No. 1900 in zoning case Z06-74, modifying development standards for building and landscape setbacks, and revising the street exhibits.
August 5, 2008	The Town Council approved Ordinance No. 2195 in case Z07-99, rezoning approximately 198 acres from Maricopa County to Single Family Detached (SF-D) and 41 acres of Public Facilities/ Institutional (PF/I) creating the Cooley Station Residential-2 PAD.
October 7, 2010	The Town Council adopted Ordinance No. 2304 amending approximately 97 acres of the Cooley Station PAD adding exhibits and development standards for Parcel 11 (Heritage at Cooley Station).
January 17, 2013	Town Council approved Resolution No. 3148 for GP12-07 and Ordinance No. 2413 for Z12-20 to rezone Parcel 16 of Cooley Station for a charter school subject to the conditions.
May 2, 2013	The Town Council adopted Ordinance No. 2525 in rezoning case Z12-26 and rezoned approximately 35 acres for a Single Family Detached (SF-D) and Multi-Family Medium (MF-M) development in the Cooley Station (Parcels 12 and 13) for Fincher Fields.
September 5, 2013	The Town Council adopted Ordinance No. 2443 in rezoning case Z13-16 amending the development plan and the development standards for Parcel 15 (Fulton Homes).
November 21, 2013	The Town Council approved a technical correction to Ordinance No. 2443 for rezoning case Z13-16.
February 5, 2014	Town Council adopted Ordinance No. 2473 and approved Z13-32, Ashley Ward in Cooley Station on Parcel 1A.
April 17, 2014	Town Council adopted Ordinance 2485, case Z13-37, the Bungalows at Cooley Station creating a new parcel, 1B, in the Cooley Station PAD and adding a street section detail for residential alleys for 24 acres.
June 26, 2014	Town Council approved GP14-06 and Z14-11 Parcel 10 & 17 at Cooley Station.

#### Overview

Fulton Homes is working with the Cooley Family to develop 97.00 gross acres (Parcels 9 and 11) generally located at the northeast corner of Recker Road and Somerton Boulevard (the

"Site"). Fulton Homes is seeking to develop the Site as a single family, neo-traditional community, with a mix of lot sizes and housing choices. Fulton Homes' request is to rezone the Site from SF-D with Planned Area Development (PAD) overlay to SF-A and SF-D with PAD overlay to amend various development standards as described in greater detail below. The development plan depicts the 649 lots that are comprised of 140 townhomes; 121 courtyard homes on lots 63 ft. x 65 ft. (4,095sf); 197 home on lots 35 ft. x 98 ft. (3,430sf), and 148 homes on lots 40 ft. x 98 ft. (3,920sf).

The development is a neo-traditional subdivision where the respective lots are intermingled among each other and throughout the Site, and are united through an organized layout, architecture, landscape theming, perimeter treatments, and amenities. The proposed development will contain substantial amounts of HOA maintained open space and amenities (including an aquatic center), providing opportunities for future residents to interact and socialize with their families and each other.

**Surrounding Land Use & Zoning Designations:** 

	<b>Existing Land Use Classification</b>	<b>Existing Zoning</b>
North	Village Center	Gateway Village Center
	Residential >14-25 DU/acre	Multi-Family/Medium all with a PAD
		overlay
South	Public Facility/Institutional,	Public Facility/Institutional, Neighborhood
	Neighborhood Commercial	Commercial and
	Residential >3-5.5 DU/acre	SF-D, all with PAD overlay
East	Residential >3-5.5 DU/acre	SF-D, with PAD overlay
West	Business Park and	Gateway Business Center
	Residential >14-25 DU/acre	Multi-Family/Medium
		all with a PAD overlay
Site	Residential >8-14 DU/acre and	Single Family – Detached with a PAD
	Residential >5-8 DU/acre	overlay

#### Rezoning

Fulton Homes is requesting the Site be zoned SF-A and SF-D with PAD overlay for a single-family residential community. The property is zoned SF-D. The applicant only wishes to modify (in most cases increasing) the development standards to ensure the development as designed for the neo traditional concept and the piece mind for the purchaser. The Development Plan is being designed with the preliminary plat and the standard plans. This project is very detailed and very specific because of the unique concept. The open space is centrally located with community amenities that draw people and promote interaction.

The development plan has product types. The SF-A product is at the north and the SF-D products are depicted in the southern portion per the General Plan Land Use Classifications and associated densities. The two SF-D products are shown interspersed throughout the neighborhood creating a diverse streetscape. Oversized alleys allow for weekly trash and monthly over-size pick-up along the alley for each lot. The product is parked for visitors well about the Town requirements. Shown below with the proposed modifications in **BOLD**.

Development Standard	Land	Ordinance No.	Proposed
	Development	2496	SF-A
	Code (LDC)	SF-D	Parcel 9
	SF-D	Parcel 9	
Min. Lot Area	2,000 sf	1,900 sf	1,900 sf
Max. Height	36'/3-story	39.5'/3-story	39.5/3-story
Min. Front Yard Setback	10'	8'	10'
Min. Side Yard Setback	0'	Not Addressed	0'
Min. Rear Yard Setback	10'	10'	10' to center of alley
			(alley is a minimum of 26'
			with a garage apron of 3')
Max. Lot Coverage	65% 1-story	65% 1-story	65% for all lots
	55% 2-story	55% 2-story	regardless of height
Development Standard	LDC	Ordinance No.	Proposed
	SF-D	2496	SF-D
		SF-D	Parcel 11
		Parcel 11	(Alley Homes)
Min. Lot Area	2,000 sf	1,900 sf	1,900 sf
Max. Height	36'/3-story	39.5'/3-story	39.5'/3-story
Min. Front Yard Setback	10'	8'	8'
Min. Side Yard Setback	0' or 5'	Not Addressed	0'
Min. Rear Yard Setback	10'	10' to center of	10' to center of alley
		alley	(alley is a minimum of 26'
			with a garage apron of 3')
Max. Lot Coverage	60% 1-story	65% 1-story	65% 1-story
	50% 2-story	55% 2 and 3-story	55% 2 and 3-story
Development Standard	LDC	Ordinance No.	Proposed
	SF-D	2496	SF-D
		SF-D	Parcel 11
		Parcel 11	(Courtyard Homes)
Min. Lot Area	2,000 sf	1,900 sf	1,900 sf
Max. Height	36'/3-story	39.5'/3-story	39.5'/3-story
Min. Front Yard Setback	10'	8'	10'
Min. Side Yard Setback	0' or 5'	Not Addressed	5'
Min. Rear Yard Setback	10'	10' to center of alley	10'
Max. Lot Coverage	60% 1-story	65% 1-story	65% 1-story
	50% 2-story	55% 2 and 3-story	55% 2 and 3-story

#### PUBLIC NOTIFICATION AND INPUT

A neighborhood meeting was held on November 3, 2014 at the Best Western Legacy on Power Road at 6:00 pm. No neighbors or surrounding property owners attended.

#### **PROPOSITION 207**

An agreement to "Waive Claims for Diminution in Value" Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

#### **STAFF REQUEST**

Staff requests Planning Commission input.

Respectfully submitted,

Amy Temes Senior Planner

**Attachments:** 

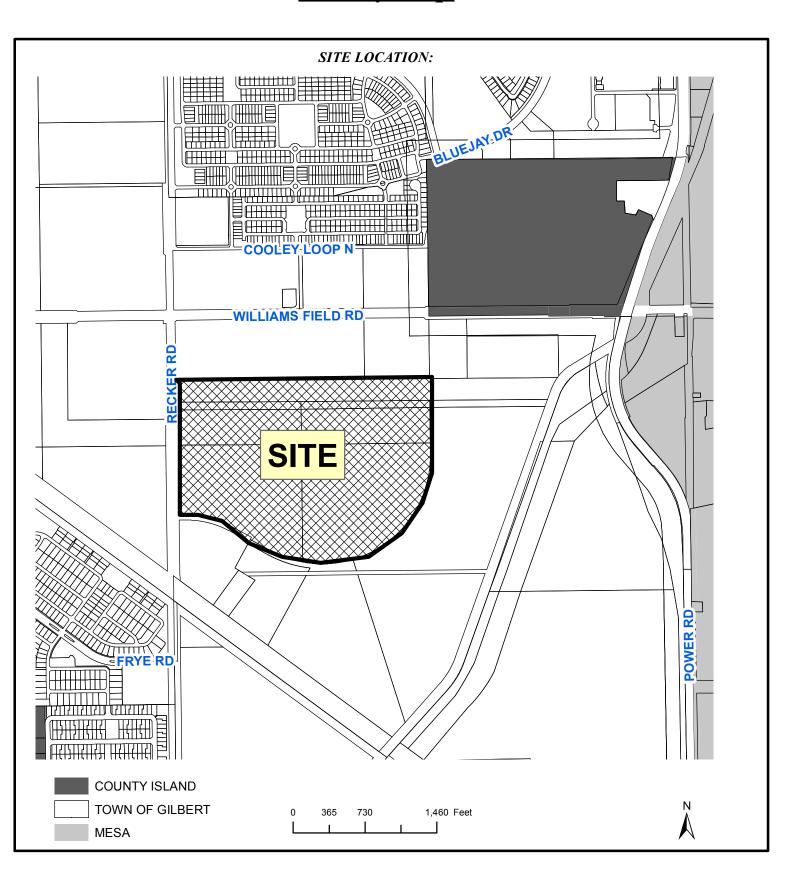
Attachment 1 Vicinity Map Attachment 2 Aerial Photo

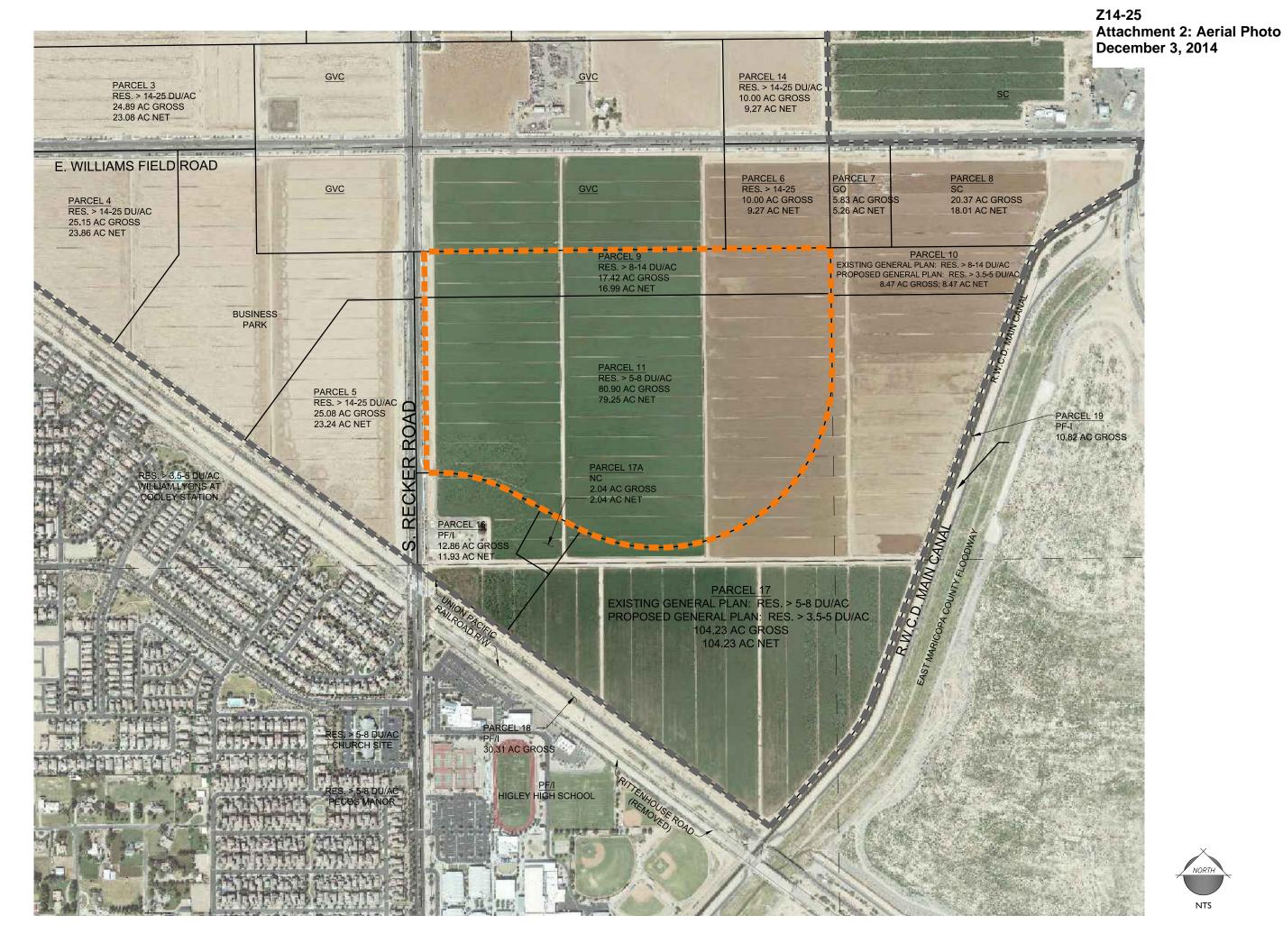
Attachment 4 Ordinance No. 2496 for reference

Attachment 5: Zoning Exhibit
Attachment6: Development Plan

Z14-25

## Vicinity Map







Parcels Station: Cooley

#### ORDINANCE NO. 2496

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF GILBERT BY AMENDING ORDINANCES NOS. 1900 AND 2179 PERTAINING TO THE COOLEY STATION RESIDENTIAL, OFFICE AND SHOPPING CENTER PLANNED AREA DEVELOPMENT (PAD-ROS). ORDINANCES NO. 2195 AND 2304 PERTAINING TO THE COOLEY STATION RESIDENTIAL 2 PLANNED AREA DEVELOPMENT (PAD-2), AND ORDINANCES NOS. 2413, 2425, 2443, 2473, AND 2485 PERTAINING TO BOTH PAD-ROS AND PAD-2 BY REZONING APPROXIMATELY 114.74 ACRES OF REAL PROPERTY GENERALLY LOCATED SOUTHEAST OF THE SOUTHEAST CORNER OF RECKER AND WILLIAMS FIELD ROADS, IN ZONING CASE Z14-11, FROM APPROXIMATELY 114.74 ACRES OF SINGLE FAMILY DETACHED (SF-D) ZONING DISTRICT WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT TO APPROXIMATELY 112.7 ACRES OF SINGLE FAMILY DETACHED (SF-D) AND 2.02 ACRES OF NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICTS, ALL WITH A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT; AND BY AMENDING CONDITIONS OF DEVELOPMENT AS FOLLOWS: INCREASE LOT SIZES, INCREASE FRONT, SIDE AND REAR SETBACKS, DECREASE HEIGHT RESTRICTIONS, AND ALLOW FOR TWO STORY HOMES ADJACENT TO MULTI-FAMILY AND NON-RESIDENTIAL ZONING DISTRICTS; AND RESTATING AND INCORPORATING THE PROVISIONS OF ORDINANCES NOS. 1900, 2179, 2195, 2304, 2413, 2425, 2443, 2473 AND 2485 HEREIN: PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR NON-SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, by adoption of this Ordinance, the Town of Gilbert Town Council desires to rezone certain parcels and amend conditions of development relating to the development of certain parcels within the Cooley Station Residential, Office and Shopping Center Planned Area Development (PAD-ROS) and Cooley Station Residential 2 Planned Area Development (PAD-2) pursuant to the Town of Gilbert Zoning Code requirements for a Planned Area Development to modify base zoning district regulations to implement policies in the General Plan, permit unique or mixed-use development, permit a concurrent review of housing product and neighborhood design, including lotting pattern, for development in the Gateway Character Area; and

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WHEREAS, the Town Council has determined that this amendment to the Zoning Map and the Planned Area Development conditions of development conforms with the Town of Gilbert General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, those certain documents entitled Exhibit 37: Amended Zoning Exhibit of the Cooley Station Residential, Office and Shopping Center Planned Area Development (PAD-ROS) and Cooley Station Residential 2 Planned Area Development (PAD-2) dated June 26, 2014, Exhibit 38: Development (PAD-ROS) and Cooley Station Residential, Office and Shopping Center Planned Area Development (PAD-ROS) and Cooley Station Residential 2 Planned Area Development (PAD-2) dated June 26, 2014, Exhibit 39: Street Section Keysheet for Cooley Station Residential, Office and Shopping Center Planned Area Development (PAD-ROS) and Cooley Station Residential 2 Planned Area Development (PAD-2) dated June 26, 2014, Exhibit 40: Street Sections for Cooley Station Residential, Office and Shopping Center Planned Area Development (PAD-ROS) and Cooley Station Residential 2 Planned Area Development (PAD-2) dated June 26, 2014, and Exhibit 41: Open Space and Circulation Plan for Cooley Station Residential, Office and Shopping Center Planned Area Development (PAD-ROS) and Cooley Station Residential 2 Planned Area Development (PAD-ROS) and Cooley Station Residential 2 Planned Area Development (PAD-ROS) and Cooley Station Residential 2 Planned Area Development (PAD-2) dated June 26, 2014, are attached hereto and incorporated by this reference.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

#### Section I. In General.

1. The Official Zoning Map of the Town of Gilbert, Arizona is hereby amended by amending Ordinances Nos. 1900, 2179, 2195, 2304, 2413, 2425, 2443, 2473 and 2485 relating to the Cooley Station Residential, Office and Shopping Center Planned Area Development (PAD-ROS) and Cooley Station Residential 2 Planned Area Development (PAD-2) by changing the zoning classification of real property consisting of approximately 114.74 acres located southeast of the southeast corner of Recker and Williams Field Roads (the "Property"), as described in the legal description, Exhibit 1 (Cooley Station Exhibit 37) and shown on the Zoning Exhibit (map) in Exhibit 2 (Cooley Station Exhibit 38), both attached hereto and incorporated by reference herein, from 114.74 acres of Single Family - Detached (SF-D) zoning district within a Planned Area Development Overlay Zoning District to approximately 112.7 acres of Single Family - Detached (SF-D) and 2.04 acres of Neighborhood Commercial (NC) zoning districts all with a Planned Area Development Overlay zoning district.

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2. Ordinances Nos. 1900 and 2179 relating to the PAD-ROS, Ordinance Nos. 2195 and 2304 relating to the PAD-2 and Ordinances Nos. 2413, 2425, 2443, 2473 and 2485 relating to both the PAD-ROS and PAD-2 are amended by adding new Exhibits 38 through 41, and making those Exhibits part of the Development Plan for the PAD-ROS and PAD-2, said documents being attached hereto and incorporated herein by this reference, to read as follows:

EXHIBIT 38: Development Plan for Cooley Station Residential, Office, and Shopping Center and Residential 2 PADs, dated June 26, 2014.

EXHIBIT 39: Street Section Keysheet for Cooley Station Residential, Office and Shopping Center and Residential 2 PADs, dated June 26, 2014.

EXHIBIT 40: Street Sections for Cooley Station Residential, Office and Shopping Center and Residential 2 PADs, dated June 26, 2014.

EXHIBIT 41: Open Space and Circulation Plan for Cooley Station Residential, Office and Shopping Center and Residential 2 PADs, dated June 26, 2014.

- 3. All dedications, development requirements and development conditions set forth in Ordinances Nos. 1900, 2179, 2195, 2304, 2413, 2425, 2443, 2473 and 2485 relating to the PAD-ROS and PAD-2 are incorporated herein and shall remain in full force and effect, except as amended by revising development conditions and adding new conditions to read as follows (additions shown in ALL CAPS, deletions shown in strikeout):
  - a. Dedication to the Town for Residential Collector Street (BB) shown on Exhibits 35 40 Street Sections, -34 39 Street Section Keysheet, and 36-41 Open Space and Circulation Plan, shall be completed at the time of final plat recordation or sooner as required by the Town Engineer. Dedication of the Residential Collector Street (BB) shall extend 34 feet for full street right-of-way adjacent to the Project.
  - b. Deleted.
  - c. Dedication to the Town for the Boulevard Collector (DD) shown on Exhibits 34, 35, 39, 40 and 36, 41 Street Section Keysheet, Street Sections and Open Space and Circulation Plan, shall be completed at the time of final plat recordation or sooner as required by the Town Engineer. Dedication of the Boulevard Collector (DD) shall extend 49 feet for full street right-of-way adjacent to the Project.

- d. Dedication to the Town for Cooley Loop (EE) shown on Exhibits 34, 35, 39, 40 and 3641 Street Section Keysheet, Street Sections, and Open Space and Circulation Map shall be completed at the time of final plat recordation or sooner as required by the Town Engineer. Dedication of Cooley Loop (EE) shall extend 60 feet for full street right-of-way adjacent to the Project.
- e. Deleted.
- f. Deleted.
- g. Dedication to the Town of that portion of Wade Drive and Vest Avenue (GG) shown on Exhibits 34, 35, 39, 40 and 36 41, Street Section Keysheet, Street Sections, and Open Space and Circulation Plan, adjacent to Parcels 1A, 1B, 2 and 3 shall be completed at the time of final plat recordation or sooner if required by the Town Engineer. Dedication shall extend 17 feet from the centerline adjacent to the Project.
- h. Developer shall designate and shall set forth on the final plat, landscape, sidewalk and parking tracts abutting Collector Street (BB), Williams Field Road (CC), Boulevard Collector (DD), Cooley Loop (EE), Galveston Street, Wade Drive and Vest Avenue (GG), all as shown on Exhibits 34, 35, 39, 40 and 36, 41 Street Section Keysheet, Street Sections, and Open Space and Circulation Plan.
- i. Construction of required off-site improvements to Williams Field Road, Recker Road and all internal residential and collector streets abutting the Project shall be completed prior to occupancy of any building or unit in the Project, or at the time requested by the Town, whichever is earlier. If the Town requests construction of the off-site improvements prior to construction of the Project, in lieu of construction, the Developer may enter into a Reimbursement Development Agreement with the Town for payment by Developer of Developer's pro rata share of the costs of the off-site improvements to satisfy the requirements of this condition.
- j. The Project shall be developed in conformance with the Town's zoning requirements for the Multi-Family Low (MF/L), Multi-Family/Medium (MF/M), Single Family Detached (SF-D), General Office (GO) and Shopping Center (SC) zoning districts and all development shall comply with the Town of Gilbert Land Development Code except as modified by the following:

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Single Family Detached	Parcels 1B, 9, <del>10, AND</del>	Parcel 12
(SF-D)	11 <del>and 17</del>	
Minimum lot area	1,900 sq. ft.	1,900 sq. ft.
Maximum building height	39.5 feet or 3-stories	39.5 feet or 3-stories
Front yard setback	8 feet	5 feet for homes fronting on courtyard, otherwise 8 feet
Rear yard setback	10 ft. (to center of alley)	10 ft. (to center of alley)
Lot coverage	65% single story	65% single story
	55% two & three story	55% two & three story

Multi-family/Low (MF/L)	Parcel 1A
District	Ashley Heights Ward at Cooley Station
Common Open Space	37% of net site
(Minimum)	

Multi Family Medium (MF/M)	Parcels 2, 3, 4, 5, 6, 13 and 14
Minimum Net Land Area per Unit	1,700 sq. ft. (*=25 d.u.'s/ac.)
Building Step-back	0 feet
Minimum Perimeter Building Setbacks (ft.)	
Front	8 feet adjacent to arterials and collectors*
Side	10 feet adjacent to arterials and collectors*
Rear	10 feet adjacent to collectors*
Rear (Residential) Parcel	20 feet adjacent to residential**
Minimum Perimeter Landscape Area (Depth in Ft.)	
Front	5 feet adjacent to arterials and collectors*
Side (Street)	5 feet adjacent to arterials and collectors*
Rear (Residential)	8 feet adjacent to collectors*
Rear (Non-Residential)	8 feet adjacent to collectors*
Common Open Space (Minimum)	35% of net site area if property is: a) directly across right-of-way from village park; and b) abutting one of the village parks; and c) within 1/6 of a mile or 880 feet of one of the village parks
Separation between three0story buildings	10'**

\* If not adjacent to arterial or collector as noted, then the Land Development Code (LDC) applies.

\*\* If Parcel 13 is developed with up to 15 dwelling units per acre, three-story buildings shall be 10' apart. Otherwise the Land Development Code (LDC) applies.

General Office (GO)	Parcel 7
Minimum Building Setback (ft.)	
Front	0 feet or "back of sidewalk" on arterial or collector
Side (Arterial)	0 feet or "back of sidewalk" on arterial or collector
Side (Collector or Local)	0 feet on Collector, 10 feet on local
Side (Non-residential)	15 feet between buildings
Minimum Perimeter Landscape Area (Ft.)	
Front	0 feet (excluding landscape easement)
Side (Arterial)	0 feet (excluding landscape easement)
Side (Collector)	0 feet (excluding landscape easement)
Side (Local)	10 feet (excluding landscape easement)

- k. Developer shall create a new Homeowner's Association (HOA) and Property Owners' Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas and landscaping within the rights-of-way. Maintenance responsibilities for common areas and open space areas shall be specified at the time of approval of the final site plan and/or final plat.
- 1. The developer shall execute water and sewer buy-in agreements, whereby the developer shall pay for its proportional share of water and sewer mains prior to final plat approval.

#### m. Deleted.

- n. On–street parking spaces for the General Office parcel shall be allowed a credit of one parking space to one parking space toward the required parking for the development. The on-street parking spaces shall be striped and signed by the developer. Parking signage shall designate parking limitations for the General Office use, Parcel 7.
- o. Designated on-street parking spaces abutting Multi-Family/ Medium and Multi-Family/Low projects shall be counted as a maximum credit of 55%

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of the required on-site visitor /guest parking. The on-street parking spaces shall be striped by the Developer.

- p. Deleted.
- q. Dedication to the Town for Recker Road right-of-way that is adjacent to Parcel 15, as shown on Exhibit 3439 Street Section Keysheet, shall be completed at the time of final plat recordation or sooner as required by the Town Engineer. Dedication of Recker Road shall extend 65 feet from the centerline for approximately 1314 feet south of the intersection with Galveston Street adjacent to Parcel 15 and 65 feet from the centerline for approximately 130 feet south of the intersection with Boulevard Collector (DD) adjacent to Parcel 16.
- r. Deleted.
- s. Dedication to the Town of that portion of Galveston Street, Wade Drive, and Vest Avenue rights-of-way adjacent to Parcel 15, all as shown on Exhibits 34 39 and 35 40, Street Section Keysheet and Street Sections, shall be completed at the time of final plat recordation or sooner if required by the Town Engineer. Dedication of Galveston Street, Wade Drive, and Vest Avenue shall extend 17 feet from the centerline adjacent to the Project.
- t. Deleted.
- u Deleted.
- v. Parcels 15 and 17 shall be developed in conformance with the Town's zoning requirements for the Single Family Detached (SF-D) zoning District and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

Single Family Detached (SF-D) Parcels 15 and 17			
Development Standard	Parcel 17	Parcel 15	
Minimum lot area	<del>1,900 sq. ft.</del>	1,900 Sq. Ft.	
Maximum building height	40 feet or 3 stories	40 Feet	
Front yard setback	5 feet for homes fronting on courtyard, otherwise 8 feet	Street loaded lots: 8 feet Alley loaded lots fronting on courtyard: 5 feet	
Front back of curb to face of garage		Street loaded lots: 20 feet from back of sidewalk to face of garage	

Rear yard setback	10 ft. (to center of alley)	Street loaded lots: 10 feet Alley loaded lots: 10 feet to center
		of alley
Side Setback		Street loaded lots: 5 feet
		3 foot clear zone from property line
		to utility pad when 7 foot setback is
		provided.
		Alley loaded homes: 0 feet and 5
		feet
Lot coverage	65% single story	65% 1-story
	55% two & three story	55% 2-story and 3-story

- w Deleted.
- x. Deleted.
- y. The developer shall reserve a three (3) net acre well/reservoir site, generally located at the southeast corner of Galveston Street and Wade Drive and as illustrated on the Conceptual Development Plan, for future acquisition of title to and possession by the Town of Gilbert for a purchase price based on fair market value through purchase or eminent domain. Fair market value shall be based on an appraisal prepared by a qualified appraiser approved by the Town and Developer. The reservation shall expire upon recordation of the final plat for Parcel 15, as shown on Exhibit 33 38 Development Plan for Cooley Station Residential, Office and Shopping Center and Residential 2 PADs unless a purchase contract has been entered into for the well/reservoir site prior to recordation of the final plat or an eminent domain action is pending. If the reservation expires, the final plat shall include platting of the site.

Notwithstanding the designation on the preliminary plat of the 3.3 acre well site parcel, the final plat shall designate the 3.3 acre well site parcel as 25 lots, unless one of the following events has occurred prior to that date: (i) the Town and Fulton Homes have entered into an agreement (the "Purchase Agreement") for the purchase of the 3.3 acre well site parcel, and the Town has waived all conditions to its obligations to close on the purchase other than the release or payment of monetary liens, or (ii) the Town has filed an action (the "Condemnation") to condemn the 3.3 acre well site parcel, and deposited \$100,000 with the Court to apply toward the payment of the judgment. Further, if the Town defaults under the Purchase Agreement beyond the applicable period of notice and cure, or abandons the condemnation, the 3.3 acre well site parcel shall be automatically converted to 25 lots.

- z. The applicant shall prepare for review and approval by the Town's Design Review Board, design guidelines addressing a landscaping palette and intensity, architectural design theme, hardscape, building materials, signage, and entry monumentation for the approximately 462 acre Residential Properties to coordinate and conform to the Gateway Area Streetscape Design Guidelines and to implement the Gateway Character Area policies contained in the General Plan.
- aa. The owner or operator of the school on Parcel 16 shall submit a letter to the Town Traffic Engineer at least one week before the opening day of classes for each school year affirming that start/dismissal times will be staggered for the year and that the parents have been assigned to the drop off area providing the most efficient route for access.
- bb. Upon completion of the remediation of Parcel 16 and prior to issuance of a building permit, developer shall submit to the Town engineer a remediation level assessment report demonstrating that the site is below the Arizona Department of Environmental Quality (ADEQ) contaminant levels for schools.
- cc. Deleted.
- dd. Prior to final plat approval for Parcel 12, dedication is required for the portion of the east connector road that is contained within Parcel 12 and continues north from the intersection of Cooley Loop East and Cooley Loop North, as shown on the Street Section Key Sheet Exhibit.
- ee. Prior to issuance of a certificate of occupancy for any building within Parcel 12, off-site improvements (or cash-in-lieu of construction) is required for the portion of the east connector road that is contained within Parcel 12 and continues north from the intersection of Cooley Loop East and Cooley Loop North, as shown on the Street Section Key Sheet exhibit.
- ff. For parcels located within the "Cooley Center", as defined in Resolution 2889, reimbursements shall be required for off-site improvements designed and constructed by the Town of Gilbert, should the overall development schedule described in that resolution not be met.

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GG. PARCELS 10 AND 17 SHALL BE DEVELOPED IN CONFORMANCE WITH THE TOWN'S ZONING REQUIREMENTS FOR THE SINGLE FAMILY DETACHED (SF-D) ZONING DISTRICT AND ALL DEVELOPMENT SHALL COMPLY WITH THE TOWN OF GILBERT LAND DEVELOPMENT CODE, EXCEPT AS MODIFIED BY THE FOLLOWING:

SINGLE FAMILY DETACHED (SF-D) PARCELS 10 AND 17			
DEVELOPMENT	AREA A	AREA B	AREA C
STANDARD			
MINIMUM LOT AREA	6,000 SQ. FT.	7,680 SQ. FT.	9,450 SQ. FT.
MINIMUM LOT	50' X 120'	60' X 128'	70' X 135'
DIMENSIONS			
FRONT YARD SETBACK	10 FT.	12 FT.	15 FT.
SIDE YARD SETBACK	5 FT AND 5 FT	5 FT AND 10 FT.	5 FT. AND 10 FT.
REAR YARD SETBACK	5 FT.	20 FT.	20 FT.
MAXIMUM HEIGHT*	30 FT/2 STORY	30 FT/2 STORY	30 FT/2 STORY

- \* HOMES ADJACENT TO MF/L, MF/M AND ALL NON-RESIDENTIAL ZONING DISTRICTS SHALL NOT BE LIMITED TO 1 STORY IN HEIGHT
- HH. FULTON HOMES SHALL DISCLOSE TO THE PUBLIC ON THE FINAL PLAT, INCLUDING NEW HOMEOWNERS, THE DAYTIME AND NIGHTTIME NOISE LEVELS NATURALLY OCCURRING WITH UNION PACIFIC'S LONG-STANDING FREIGHT RAIL SERVICES, AS WELL AS THE PRE-EXISTING AND PREDICTABLY-OCCURRING VIBRATIONS.
- Section II. <u>Providing for Repeal of Conflicting Ordinances.</u>
- Section II. <u>Providing for Repeal of Conflicting Ordinances</u>

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Non-Severability.

Ordinance No. 2496
Page 11 of 12

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then this entire ordinance is invalid and shall have no force or effect.

#### Section IV. <u>Providing for Penalties</u>.

Any person found responsible for violating this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 5.1205 and 5.1206 of the Gilbert Land Development Code. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Zoning Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 26<sup>th</sup> day of June, 2014, by the following vote:

AYES: COOK, COOPER, DANIELS,	LEWIS, PETERSEN, RAY, TAYLOR
NAYES: NONE	ABSENT: NONE
EXCUSED: NONE	ABSTAINED: NONE
APPROVED this 26 <sup>TH</sup> day o	of JUNE, 2014.
	- 1 Vha 12 000
	John W. Lewis, Mayor

APPROVED AS TO FORM:

Catherine A. Templeton, Town Clerk

L. Michael Hamblin Town Attorney

Ordinance No. 2496
Page 12 of 12

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. <u>2496</u> ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 26<sup>TH</sup> DAY OF JUNE, 2014, WAS POSTED IN FOUR PLACES ON THE 2nd DAY OF JULY, 2014.

Catherine A. Templeton, Toyn Clerk

The following exhibits are attached hereto and incorporated herein:

- 1. Legal Description
- 2. Zoning Map (Exhibit 37: Zoning Map)
- 3. EXHIBIT 38: Development Plan for Cooley Station Residential, Office, and Shopping Center and Residential 2 PADs, dated June 4, 2014.
- 4. EXHIBIT 39: Street Section Keysheet for Cooley Station Residential, Office and Shopping Center and Residential 2 PADs, dated June 4, 2014.
- 5. EXHIBIT 40: Street Sections for Cooley Station Residential, Office and Shopping Center and Residential 2 PADs, dated June 4, 2014.
- 6. EXHIBIT 41: Open Space and Circulation Plan for Cooley Station Residential, Office and Shopping Center and Residential 2 PADs, dated June 4, 2014.



GP14-06 and Z14-11 Parcels 10 and 17 at Cooley Station Attachment 4 - Zoning Ordinance Exhibit 1 - Legal Description

## Legal Description Fulton Homes Parcel 10-17 Overall

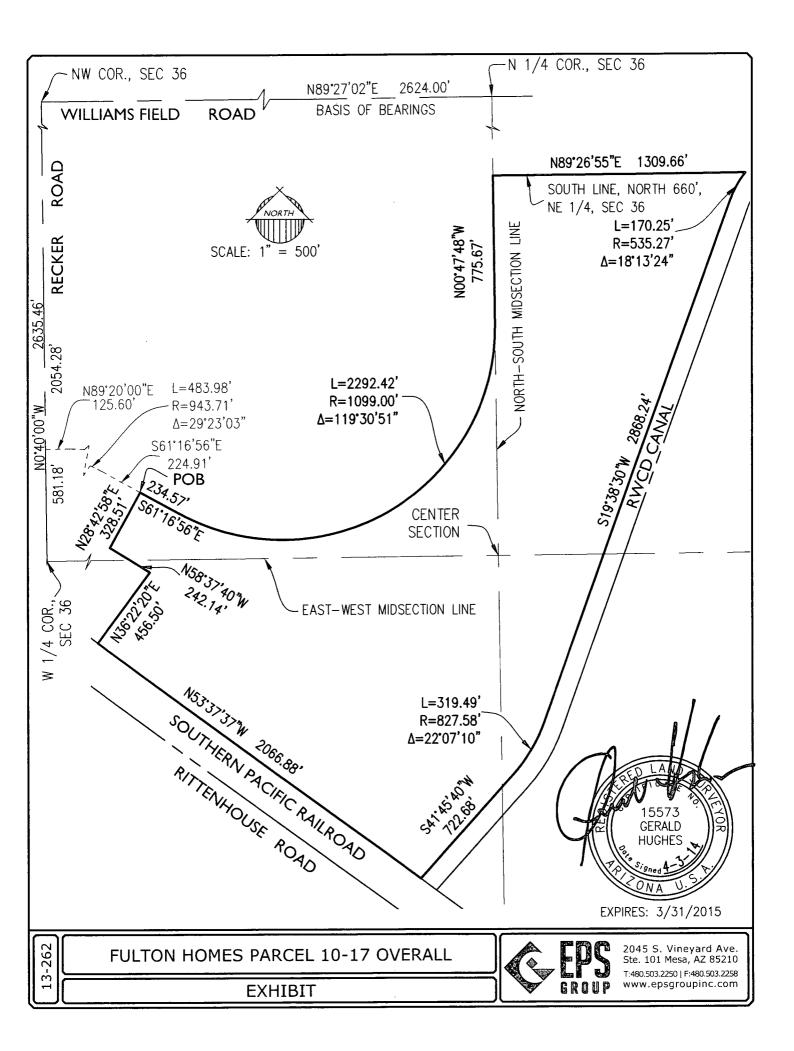
Job No. 13-262 November 20, 2013

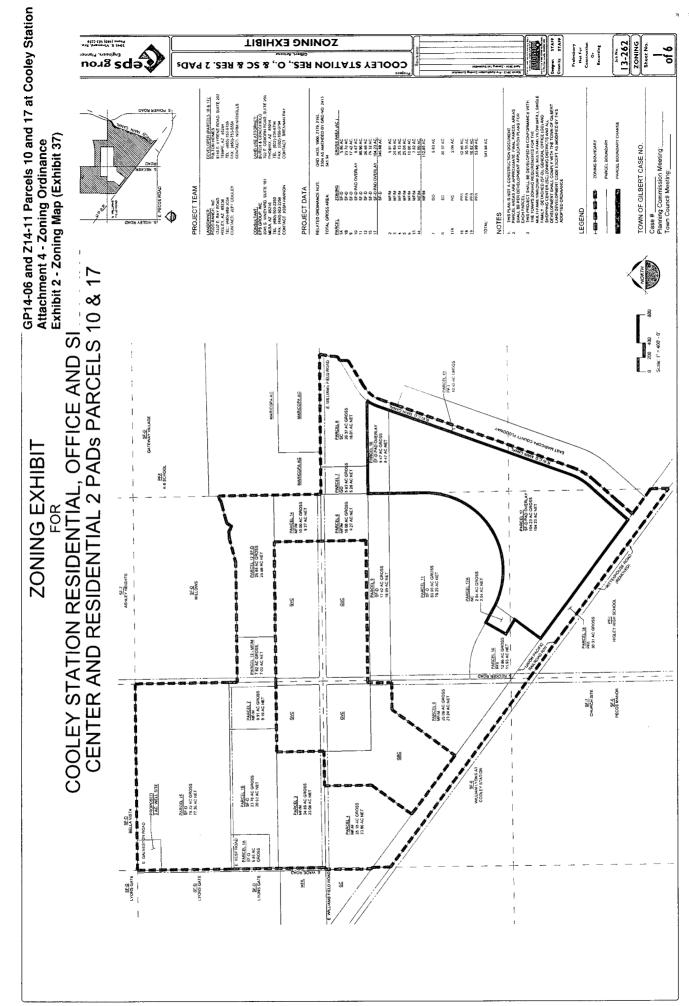
A portion of Section 36, Township 1 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

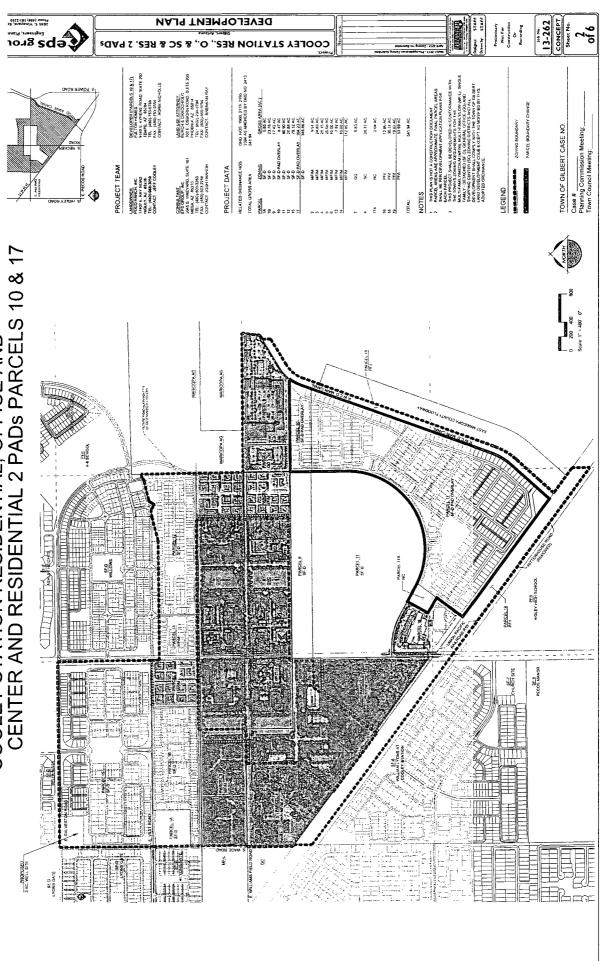
Commencing at a brass cap in a hand hole at the northwest corner of said Section 36, from which a brass cap in a hand hole at the north quarter corner of said Section 36 bears N89°27'02"E at a distance of 2,624.00 feet; thence S00°40'00"E, along the west line of the Northwest Quarter of said Section 36, for a distance of 2,054.28 feet; thence N89°20'00"E for a distance of 125.60 feet to the beginning of a curve, concave to the south, the center of which bears S00°40'00"E at a distance of 943.71 feet; thence easterly, along the arc of said curve, through a central angle of 29°23'03" for a distance of 483.98 feet to a point of tangency; thence S61°16'56"E for a distance of 224.91 feet to the POINT OF BEGINNING;

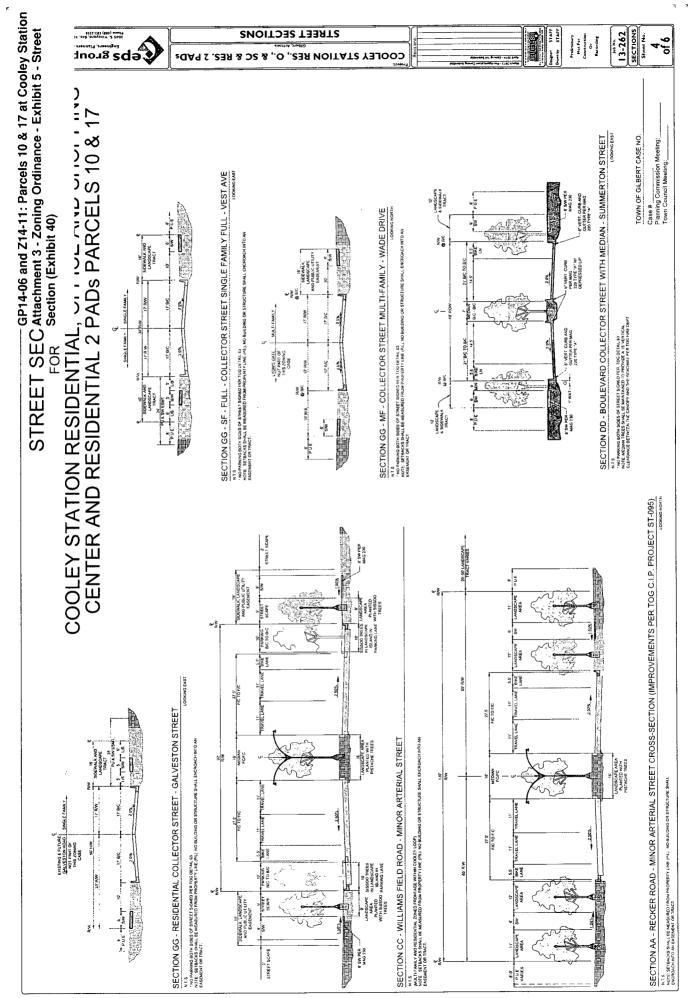
Thence continuing S61°16'56"E for a distance of 234.57 feet to the beginning of a curve, concave to the northeast, the center of which bears N28°43'04"E at a distance of 1,099.00 feet; thence southeasterly, along the arc of said curve, through a central angle of 119°30'51" for a distance of 2,292.42 feet to a point of tangency, said point being on the north-south midsection line of said Section 36; thence N00°47'48"W, along the north-south midsection line of said Section 36, for a distance of 775.67 feet to a point on the south line of the north 660.00 feet of the Northeast Quarter of said Section 36; thence N89°26'55"E, along said south line, for a distance of 1,309.66 feet to a point on the west line of the Main Canal of Roosevelt Water Conservation District Right of Way, as shown in Book 164 of Maps, Page 46, Official Records of Maricopa County, Arizona, said point being on a non-tangent curve, concave to the southeast, the center of which bears S52°08'06"E, at a distance of 535.27 feet; thence southwesterly, along said west line and the arc of said curve, through a central angle of 18°13'24" for a distance of 170.25 feet to a point of tangency; thence S19°38'30"W, along said west line, for a distance of 2,868.24 feet to the beginning of a curve, concave to the northwest, the center of which bears N70°21'30"W at a distance of 827.58 feet; thence southwesterly, along said west line and the arc of said curve, through a central angle of 22°07'10" for a distance of 319.49 feet to a point of tangency; thence S41°45'40"W, along said west line, for a distance of 722.68 feet to a point on the northeasterly line of the Union Pacific Railroad Right of Way; thence N53°37'37"W, along said northeasterly line, for a distance of 2,066.88 feet; thence N36°22'20"E for a distance of 456.50 feet thence N58°37'40"W for a distance of 242.14 feet; thence N28°42'58"E for a distance of 328.51 feet to the POINT OF BEGINNING.

An area containing 4,997,623 square feet or 114.7296 acres, more or less.

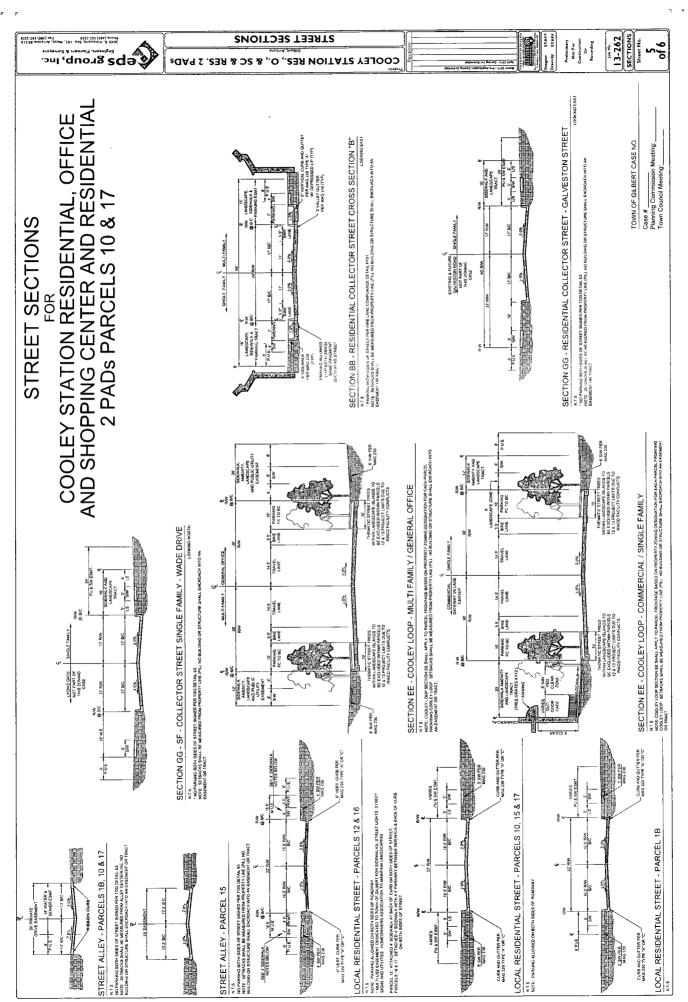








13-767



13-767

Attachment 3 - Zoning Ordinance - Exhibit 6 - Open Space and Circulation Plan (Exhibit 41) GP14-06 and Z14-11: Parcels 10 & 17 at Cooley Station 13-262 OPEN SPACE Sheet No. OPEN SPACE AND CIRCULATION PLAN 9 0 0 PS group COOLEY STATION RES., O., & SC & RES. 2 PADs DEVELOPER PARCIES, 10 & 17)
FULTON HOMES
944 S. KYRENE RAMI, SUITE 707
IEMPE, AZ 827M
IEL (480/55.87M
FAX (480/55.85X
CONTACT NORM ROHOLLS LAND USE ATTOHNEY.
BIRCH & CRACCHORO.
TOZ E OSBORN ROAD, SIME
PHORINI, AZ 95014
FLE (BOZ) 244 9/14
FAX (802) 246 9/14
CONTACT BRENNAN RAY PARCEL BOUNDARY CHANG CONCEPTUAL OPEN SPACE ZONING BOUNDARY TOWN OF GILBERT CASE NO. Case #
Planning Commission Meeting:\_
Town Council Meeting:\_ JANDONNERS
POCO RANCH, INC.
11407 E. HAY HOAD
HIGLEY, AZ. 9528
TEL: (480)-969-3038
CONTACT JEFF COCLEY CONSULTANT EPS GROUP, INC. 2045 S VHEYARD, SI MESA, AZ 85210 TEL (480)-503-229 FAX: (480)-503-229 CONTACT, JOSH HAN LEGEND COOLEY STATION RESIDENTIAL, OFFICE AND SHOULE AND SHOUL CENTER AND RESIDENTIAL 2 PADS PARCELS 10 & 17 **OPEN SPACE & CIRCULATION PLAN** IL DE LE PRIMERED BY OFFERS C CORN E. WILLIAMS FIELD ROA TON B CARE PROPOSED 3 AC ij

# GP14-06 and Z14-11 Parcels 10 and 17 at Cooley Station Attachment 3 - Finding of Fact

#### FINDING OF FACT Z14-11

- 1. The proposed zoning amendment conforms to the General Plan and the Planned Area Development overlay zoning district.
- 2. All required public notice has been conducted in accordance with applicable state and local laws.
- 3. All required public meetings and hearings have been held in accordance with applicable state and local laws.

When recorded mail to:

Town of Gilbert
Town Clerk

**50 East Civic Center Drive** 

Gilbert AZ 85296

OFFICIAL RECORDS OF MARICOPA COUNTY RECORDER HELEN PURCELL 20140426290 6/30/2014 9:53 N ELECTRONIC RECORDING Gilbert987-15-1-1--

This area reserved for County Recorder

#### CAPTION HEADING Ordinance 2496

#### DO NOT REMOVE

Exhibits 2, 3, 4, 5 and 6 were adopted with and are incorporated into Ordinance 2496 and are available for viewing in the Office of the Town Clerk, Town of Gilbert, 50 East Civic Center Drive Gilbert AZ 85296.

Exhibit 2 Zoning Map

Exhibit 3 Development Plan

Exhibit 4 Street Section Keysheet

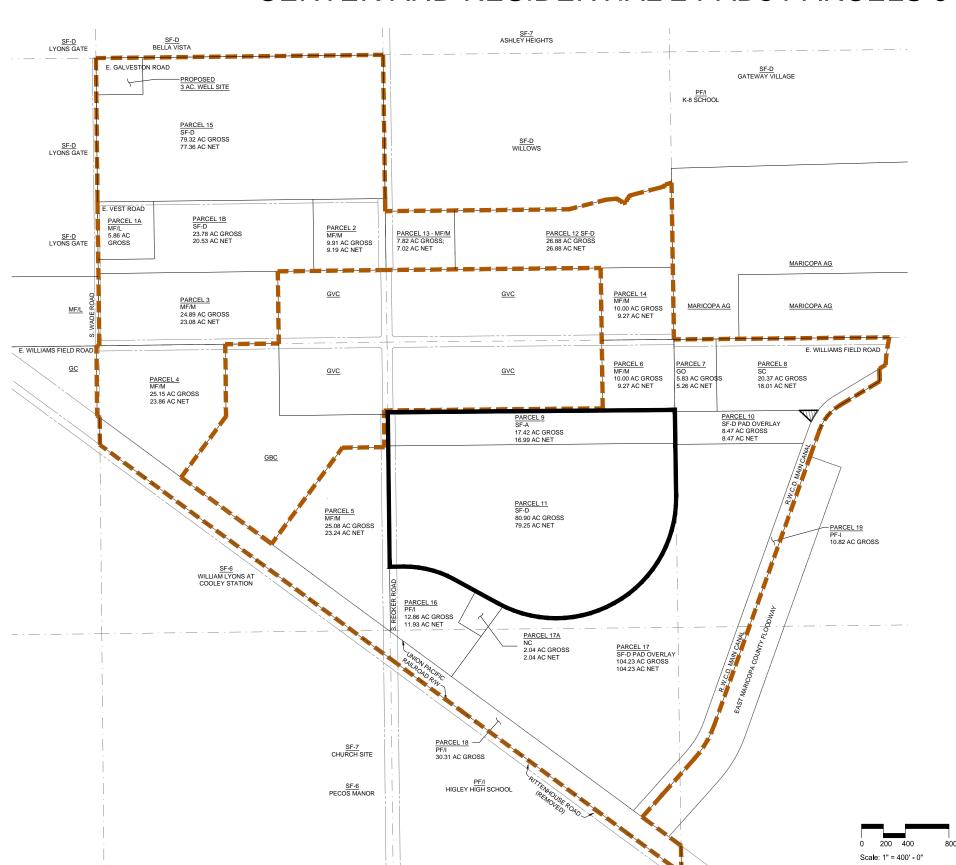
Exhibit 5 Street Section

Exhibit 6 Open Space and Circulation Plan

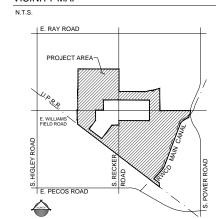
4-081

## **ZONING EXHIBIT**

# COOLEY STATION RESIDENTIAL, OFFICE AND SHOPPING CENTER AND RESIDENTIAL 2 PADs PARCELS 9 & 11



#### VICINITY MAP



#### PROJECT TEAM

LANDOWNER:
POCO RANCH, INC.
17407 E. RAY ROAD
HIGLEY, AZ 85236
TEL: (480)-988-3059
CONTACT: JEFF COOLEY

DEVELOPER (PARCELS 9 & 11): FULTON HOMES FULTON HOMES
9140 S. KYRENE ROAD, SUITE 202
TEMPE, AZ 85284
TEL: (480)-753-6789
FAX: (480)-753-5554
CONTACT: NORM NICHOLLS

CONSULTANT: EPS GROUP, INC. 2045 S. VINEYARD, SUITE 101 MESA, AZ 85210 TEL: (480)-503-2250 FAX: (480)-503-2258 CONTACT: JOSH HANNO

LAND USE ATTORNEY: BURCH & CRACCHIOLO 702 E. OSBORN ROAD, SUITE 200 PHOENIX, AZ 85014 TEL: (602)-234-8794 FAX: (602)-850-9794 CONTACT: BRENNAN RAY

#### PROJECT DATA

RELATED ORDINANCE NOS. TOTAL GROSS AREA:

ORD. NOS. 1900, 2179, 2195, 2304 AS AMENDED BY ORD NO. 2413

TOTAL GROOM	57.II.E7I.	.01
PARCEL	ZONING	GROSS AREA (AC.)
9	SF-A	17.42 AC.
10	SF-D PAD OVERLAY	8.47 AC.
17	SF-D PAD OVERLAY	104.23 AC.
	SF-D PAD OVERLAY	112.70 AC.
1B	SF-D	23.78 AC.
11	SF-D	80.90 AC.
12	SF-D	26.88 AC.
15	SF-D	79.32 AC.
	SF-D	210.88 AC.
2	MF/M	9.91 AC.
3	MF/M	24.89 AC.
4	MF/M	25.15 AC.
5	MF/M	25.08 AC.
6	MF/M	10.00 AC.
13	MF/M	7.82 AC.
14	MF/M	10.00 AC.
	MF/M	112.85 AC.
1A	MF/L	5.86 AC.
7	GO	5.83 AC.
8	SC	20.37 AC.
17A	NC	2.04 AC.
16	PF/I	12.86 AC.
18	PF/I	30.31 AC.
19	PF/I	10.82 AC.
	PF/I	53.99 AC.
TOTAL:		541.94 AC.

#### **NOTES**

- THIS PLAN IS NOT A CONSTRUCTION DOCUMENT.
  PARCEL AREAS ARE APPROXIMATE. FINAL PARCEL AREAS
  SHALL BE PER DEVELOPMENT APPLICATION PLANS FOR
  EACH PARCEL
  THIS PROJECT SHALL BE DEVELOPED IN CONFORMANCE WITH
  THE TOWN'S ZONING REQUIREMENTS FOR THE
  MULTI-FAMILY/MEDIUM (MF/M), MULTI-FAMILY/LOW (MF/L), SINGLE
  FAMILY DETACHED (SF-D), GENERAL OFFICE (GO) AND
  SUCREPING CENTER (CC) ZONING (DISTORTED TAME) SHOPPING CENTER (SC) ZONING DISTRICTS AND ALL DEVELOPMENT SHALL COMPLY WITH THE TOWN OF GILBERT LAND DEVELOPMENT CODE EXCEPT AS MODIFIED BY THIS

#### LEGEND



PARCEL BOUNDARY CHANGE

#### TOWN OF GILBERT CASE NO.

Case # Planning Commission Meeting **Town Council Meeting** 

foup, Inc., Planners & Surveyors 20 eps

**PADs** 

7

RES. ॐ SC EXHIBIT ŏ STATION RES., O., **SONING** 

COOLEY

wn by: STAFF

Not For Recording

14-081

ZONING Sheet No.

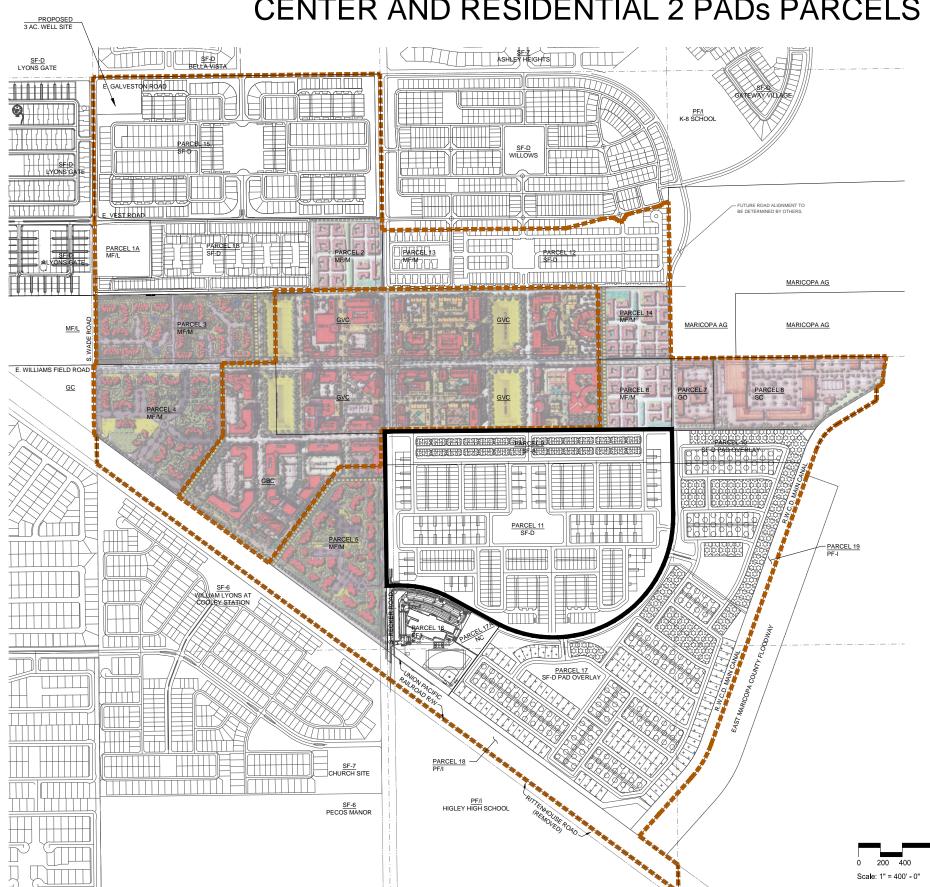
of 6

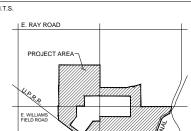
**4-08** 

Z14-25 **Attachment 6: Development Plan December 3, 2014** 

## **DEVELOPMENT PLAN**

# COOLEY STATION RESIDENTIAL, OFFICE AND SHOPPING CENTER AND RESIDENTIAL 2 PADs PARCELS 9 & 11





# E. PECOS ROAD

#### PROJECT TEAM

VICINITY MAP

LANDOWNER:
POCO RANCH, INC.
17407 E. RAY ROAD
HIGLEY, AZ 85236
TEL: (480)-988-3059
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LAND USE ATTORNEY: BURCH & CRACCHIOLO 702 E. OSBORN ROAD, SUITE 200 PHOENIX, AZ 85014 TEL: (602)-234-8794 FAX: (602)-850-9794 CONTACT: BRENNAN RAY

#### PROJECT DATA

ORD. NOS. 1900, 2179, 2195, 2304 AS AMENDED BY ORD NO. 2413 TOTAL GROSS AREA:

PARCEL	ZONING	GROSS AREA (AC.)
9	SF-A	17.42 AC.
10	SF-D PAD OVERLAY	8.47 AC.
17	SF-D PAD OVERLAY	104.23 AC.
	SF-D PAD OVERLAY	112.70 AC.
1B	SF-D	23.78 AC.
11	SF-D	80.90 AC.
12	SF-D	26.88 AC.
15	SF-D	79.32 AC.
	SF-D	210.88 AC.
2	MF/M	9.91 AC.
3	MF/M	24.89 AC.
4	MF/M	25.15 AC.
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6	MF/M	10.00 AC.
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1A	MF/L	5.86 AC.
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17A	NC	2.04 AC.
16	PF/I	12.86 AC.
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19	PF/I	10.82 AC.
	PF/I	53.99 AC.

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  THIS PROJECT SHALL BE DEVELOPED IN CONFORMANCE WITH
  THIS TOWNING ZONING DEVILOPED AND FOR THE
- THIS PROJECT SHALL BE DEVELOPED IN CONFORMANCE WITH THE TOWNS ZONING REQUIREMENTS FOR THE MULTI-FAMILYMEDIUM (MFM), MULTI-FAMILYJOW (MF/L), SINGLE FAMILY DETACHED (SF-D), GENERAL OFFICE (GO) AND SHOPPING CENTER (SC) ZONING DISTRICTS AND ALL DEVELOPMENT SHALL COMPLY WITH THE TOWN OF GILBERT LAND DEVELOPMENT CODE EXCEPT AS MODIFIED BY THIS ADOPTED ORDINANCE.

#### LEGEND



ZONING BOUNDARY

541.94 AC

PARCEL BOUNDARY CHANGE

#### TOWN OF GILBERT CASE NO.

Case # Planning Commission Meeting Town Council Meeting:

Sheet No. 2 of 6

20 eps

**PADs** 

7

& RES. SC ŏ **OPMENT** 

STATION RES., O., COOLEY





wn by: STAFF Not For

14-081 CONCEPT